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U.S. DISTRICT COURT E.D.N.Y.

From : KYLE FREISTAT

275 Atlantic Avenue
Brooklyn, NY, 11201

JUN 20 2019

Date: June 16 9
January 4th, 2018P.S.F. # 19A1353

To:

Honorable Lois Bloom
United States Magistrate Judge

Cc:

Re: Brutal assault by the NYPD against the above stated K.Freistat who endured excessive use of force by officers in Queens, NY, on 07/26/2017.

Dear Sirs,

/TO WHOM IT MAY CONCERN/

1/4/18

I, the undersigned Kyle Freistat do hereby state of own free will:

On the day of July 26th, 2017, I did ask of my neighbor whether I could borrow her vehicle. It is not the first time that I ask of that neighbor the use of vehicle, since I used it on a few occasions in the past. I do possess my own vehicle, Wheeler 2008 Honda Caravan. Dealer plates expired so I didn't use it that day, it being the reason for car borrowing. Please note that the Grand Jury erroneously assumed theft of vehicle, which is preposterous & illogical since I am the first neighbor residing with my two children.

She went outside with her dog Chase and I exited. We spoke for about ten minutes and she handed me the keys. I went to the Family dollar Store on Liberty Avenue and purchased two bottles of oil and a bottle of steering fluid returning to my address, applied fluids to the needy, necessary parts of the car itself.

I reached, upon starting the vehicle, the Brinkeroff Avenue, making a full stop at the stop sign, and proceeded to Sayers Avenue and 178 Street. I heard a police siren and pulled over.

It was 4:28 pm, as both NYPD officers approached the vehicle, each on one side. The officer on the driver's side (while the other one told me to lower windows) required documentation and I handed him registration, driver licence, and they both walked to their police cruiser vehicle. After a long pause, both officers returned to my car, both on driver side. After handing back the documents, officer Gasperetti asked me whether I knew addresses (full name Daniel Gasperetti), to which I replied in the negative, not affirmative way.

Officer Gasperetti told me I had a summons and that I should pay it as soon as possible. Officer then inquired about family items, after I was told I was free to go. I replied politely that this was already a private matter, a private affair. Then the officer started harassing me, took badge, went to his police vehicle, contacted supervisor who told him badge does not match.

Officer then inquired about my family members telephone numbers to verify. As I contacted my wife on my phone, the officer took it out of my hand and commenced speaking to my wife. He asked about name on the badge, which she did not know, and he took it as if I was lying.

Then they ordered me to step out of the vehicle, stating I was free to go if everything was well upon their inspection. I then told them it was not my vehicle, not knowing what the owner had in the car, instructing officers I had not given consent to inspect car, urging them to call their supervisor.

-p.2-

Officers did not comply with my request. Officer pushed his hand in, reached for inside locker, opening the door. I was being physically pulled out of the vehicle. I started fearing for my life, due to suffering from the PTSD, ie, -the Post Traumatic Stress Disorder. Thinking they were going to kill me, and with the key still in ignition, I started the car and wanted to pull out of the entire situation.

Officer, with one foot inside my vehicle, and grabbing me around the neck area, limited my steering vision and I hit the parked car. After hitting it, his partner being on the same driver side, run to his vehicle, -my understanding being he was going to block me. As the officer Arlistico does that, -officer Gasperetti placed both legs inside my vehicle. He physically reached for door, closing it.

As I am driving, officer kept hitting me with closed fist repeatedly on the head and face. Officer with the intent to pull out his service weapon, gave me the reason for self-preservation to pull down his weapon, fearing the firearm was going to be used against my body, the head part. I was about to hit the black SUV, showing that the officer was inside the car with me, not being dragged as erroneously stated later.

I swerved out of it, slashing that vehicle in a close pass, officer placing fist against my face and the arm around my neck again. As we approached the end of the block, I made the left turn as best I possibly could, officer still on me punching, cursing, chocking.

My vision still impaired, officer steered wheel into a parked car. Then the airbags deployed. I was knocked out by the impact of deployment, momentarily blanked out. I was in the car, officer standing four feet from vehicle, gathering his breath, both hands on his legs, slumped and bent over. I exited the car and wanted to make a run for it, fearing imminent death..

I did not make it for more than a yard and a half, for I tripped, fell and the second officer jumped out of vehicle, landed on my back, joined by the second officer both hitting me with the radio on my temple, a sensitive area, face, skull, body/torso, myself on the ground, -both officers Gasperetti and Arlistico in use of an excessive force against myself beaten, bruised, cut and defenseless on the ground, unconscious from all the head hits administered by them.

When aid/assistance/back-up arrived, one officer placed his boot on my neck as I lay on the hot July cement pavement, not allowing me to breathe, gasping for air, circulation being prevented from normal/usual functioning.

As I was finally placed into the arrived ambulance after one hour and forty-five minutes of inhuman ordeal, -I was brought to the same Jamaica hospital where policemen who mistreated me arrived too, showing no doctor's name. Two detectives came to my bed, taunting and threatening me, calling invectives, cursing me with excrement verbiage and stated that "had he been in -the- car, ie, -inside the vehicle as the offending officer was w/out a warrant, -he would have most definitely shot me in the head" (!?!), clearly showing/voicing intent.

This all clearly points out that there was no routine check, but police road-rage/injustice. I was only fed at the hospital, not at the precinct, -where a counsel was produced next to me pro-forma w/out food/beverages/information having spent thirty-seven inhuman hours. The arraignment process was the same: no refreshments, no lawyer contact, no human consideration, w/out victuals (food), and w/out possibility of a normal contact with the family/outside world. It was evident that Gasperetti/Arlistico painted a completely different "official" story from the actual occurrence that transpired on that day of police ra

-p.3-

ge and fury. The lawyer pointed that I would be in need of further medical attention and care, but I was not sent by judge to the hospital for care and treatment but to the floating barge jail, being unconscious at arraignment.

I spent hours of untreated conditions, wounds being exposed to germs, at the intake level for the duration period of over three days.

All the above described events are attested to be true by me, - Kyle Freistat, a father of seven children. I might not be perfect, but would not attempt even to injure policeman on my child's birthday or any other day for that matter. I am attentive father to my children, spending every weekend with them, but will not engage in activity being accused of, or worse, - being accused for offenses not committed.

I disassociate myself from the fabrication of events improperly described by the offending police officers, using blasphemies/lies/overexaggerations against me to paint and present a tainted and false picture of what really transpired that day which amounted to excessive police rage and unprofessional law enforcement misconduct, - attempting to portray me as malicious and barbaric, which does not make sense.

Furthermore, - I am a civilian and would or could not have the power and energy, being unarmed, - against the two trained, armed policemen who misconducted excessively in behavior on that nearly tragic day.

I would like to sincerely thank the personnel at the Innocence Project for years of good work, thanking for the care, research, aid, assistance and lawfully conducted material which helped hundreds of civilians like me, - in their quest to live as citizens enjoying police protection, not police brutality and misconducting assault.

We should live in accordance with the constitutional amendments, not the contravention of the same laws. I am pleading with you to render assistance & offer help/representation leading to the eventual exoneration, rejoining my family members, reintegration into society at no further cost in human suffering to myself, family, at no further cost to the state.

Thanking you for your kind assistance and understanding the matter,

I remain,

yours sincerely,

KYLE FREISTAT - A.K.A
/ Kyle Freistat / JOEL BURNETT

Sworn to before me this day

January 6 2018.

Antonio Frazier
Notary/Commissioner of Deeds

ANTONIO MIGUEL FRAZIER
Commissioner of Deeds
No. 2-13375
Qualified in Kings County
Commission Expires May 1, 2020

1/6/18

to whom it may concern.

AT THE TIME OF ME BEING STOP AND QUESTION, THERE WAS ONLY ONE DOOR OPEN THROUGH THE HOLD CAR. AND THAT WAS THE DRIVER'S SIDE DOOR. AT NO POINT WAS THERE ANY OTHER DOOR OPEN.

AS FOR THE DRIVER'S SIDE DOOR HE BEING POLICE OFFICER GASPERETIE DID IN FACT OPEN THE DOOR, BEFORE HE TOOK THE P.B.A. BAG AND THEN WALK BACK TO HIS CAR TO CHECK IT OUT, TO SEE IF THE SOCIAL MACHINE WAS THERE FOR THE DOOR WAS OPEN THE HOLD TIME. THAT, WHEN I PROCEEDED TO LIGHT UP A CIGARETTE HE THEN CAME BACK ON ASK ME IF I CAN HAVE ANYONE ELSE VERIFY THAT THIS IS MY FAMILY MEMBER'S BADGE. SO I CALL MY KID'S MOTHER ON I TOOK THE PHONE TO TALK TO HER, THEN HANDED IT BACK TO ME.

OFFICER GASPERETIE WAS IN THE CAR WITH ME THE HOLD TIME NOT ONE, WAS HE BEING DRAGGED. NOT ONES

THERE WAS NO WAY I COULD SHIFT OR TURN MY BODY, FOR THERE WAS TWO OF THEM ON TOP OF ME. EVEN AFTER THEY HAD ME CUFF THEY WAS STILL BEATING ME.

WHEN I WAS AWOKEN BEFORE I RUN OUT THE CAR, OFFICER GASPERETIE WAS IN A BENT POSITION HANDS TO HIS NECK, AT NO POINT WAS HE FALLING OR CRAWLING ON THE FLOOR. HE RUN OVER TO JUMP ON MY BACK.

IN THE GRAND JURY MINUTES THE D.A. ASK IF THE PICTURES OF THE CRASH, SEEN IS THE SAME AND HE SAID YES, BUT YET HE SAID THAT THE CAR PULL UP BEHIND ME. ON IN THE PICTURES THE CAR IS NOW IN THE FRONT OF ME THOSE THAT SEEM, RIGHT TO YOU.

WHEN THEY FIRST STOP ME, I GAVE THEM THE I.D., AND THE PAPERS FOR THE CAR. THEY CAME BACK ASK ME IF I KNOW ABOUT A COUPLE OF ADDRESSES, I TOLD THEM NO THEY TOLD ME I HAD A SUMMONS WARRANT TO GO PAY IT AS SOON AS I CAN, HANDED ME BACK THE I.D., ON THE PAPERS TO THE CAR. ON SAY IM FREE TO GO..

THAT,S WHEN I OPEN THE P.B.A BADGE ON MY LAP TO PUT THE ID,BACK I N,.IT HE SEEING THE SOCIAL AND SAID YOU TOLD ME YOU DID NOT HAVE A SOCIAL,I SAIED I DONT,ONLY THE ONE I GAVE YOU THAT,S WRITIN ON THE BACK OF THE CARD TO MACH UP WITH THE ID,.WICH IT DID SO HE SAIED SO WHTA THAT,I TOLD HIM IT CAME WITH THE BADGE,AS YOU SEE ITS TAPE IN THE CLEAR PART OF THE BADGE.THATS HOW MY FAMILY GAVE IT TO ME AS IS.SO HE SEAID WHY WOULD YOUR FAMILY GIVE YOU THERE SOCIAL TO WALK WITH,ITOLD HIM THATS BETEEW ME ON MY FAMILY AND THATS WHEN EVERYTHING WENT LEFT,FEILD.FROM THEIR THEY TOLD ME TO STEP OUT THE CAR SO THEY CAN SERCH IT ON IF ALL IS GOOD IN THE CAR IM FREE TO GO ONE,S.MORE SO I TOLD THEM NO IM NOT GIVEING THE M,.PERMETION TO SO AND I SEAID OR YOU FAMEILER WITH THE FOURTH ADMENMENT, THEY LAST IT ON STARTED TO PULL ME OUT THE CAR,ISAEID YOUR NOT ACTINE LIKE POLISE OFFICERS IM IN FEAR FOR MY LIFE SO I STARTED THE CAR ON TRY TO PULL AWAY FROM THE HOLD ARASMENT..

truth be told im alive and liveing in a cage for a crime i did no t,.commit to suffer every second of every interminable day. noing i had to ple to lie,s told by those officers its i tell you,.but i know the truth and even if i had to take a lie detector test to prove im not lieing i would do so in a heart beat.then you would see that im not lieing but someone is,

yours truly?

KYLE.FREISTAT

AKA,JOEL.BURNETT.....

~~Downstate Correctional Facility~~

Box F

~~Red School House Road~~

~~Fishkill New York 12524-0445~~

~~Name: Kyle Freistadt AKA Joel Burnett DIN. 1911353~~

DOWNSTATE

CORRECTIONAL

FACILITY

DOWNSTATE



CORRECTIONAL FACILITY



ZIP 12524
041M11281855

VIA ECF

THE: HONORABLE Lois Bloom..
United States Magistrate Judge
United States District Court
EASTERN DISTRICT OF NEW YORK
225 - CEDMAN PLAZA EAST
BROOKLYN - NEW YORK - 11201

LEGAL MAIL

